

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT  
BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

Case No. 17-BK-3283 (LTS)

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT  
BOARD FOR PUERTO RICO,

as representative of

THE PUERTO RICO HIGHWAYS AND  
TRANSPORTATION AUTHORITY,

Debtor.

PROMESA

Title III

Case No. 17-BK- 3567 (LTS)

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT  
BOARD FOR PUERTO RICO,

as representative of

THE EMPLOYEES RETIREMENT SYSTEM OF THE  
GOVERNMENT OF PUERTO RICO,

Debtor.

PROMESA

Title III

Case No. 17-BK-3566 (LTS)

PROMESA

<sup>1</sup> The Debtors in these Title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), (iv) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523 (LTS)) (Last Four Digits of Federal Tax ID: 3801). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

*Objection Deadline: August 17, 2021*

*Reply Deadline: August 20, 2021*

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT  
BOARD FOR PUERTO RICO,

as representative of

THE PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

Title III

Case No. 17 BK 4780-LTS

THE SPECIAL CLAIMS COMMITTEE OF THE  
FINANCIAL OVERSIGHT AND MANAGEMENT  
BOARD FOR PUERTO RICO, ACTING BY AND  
THROUGH ITS MEMBERS,

and

THE OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS OF THE COMMONWEALTH OF PUERTO  
RICO,

as co-trustees of respectively, of

THE COMMONWEALTH OF PUERTO RICO,

Plaintiff, 2

v.

POSTAGE BY PHONE RESERVE ACCOUNT,

Defendant.

Adv. Proc. No. 19-00181

**REPLY BY THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO  
RICO, ACTING BY AND THROUGH THE MEMBERS OF THE SPECIAL CLAIMS  
COMMITTEE, AND THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO THE  
PARTIAL OPPOSITION TO STAY LITIGATION IN THE VENDOR ACTIONS**

<sup>2</sup> The members of the Special Claims Committee, on the one hand, and the Official Committee of Unsecured Creditors, on the other hand, serve as co-trustees and co-plaintiffs in the prosecution of this adversary proceeding as described in that certain Stipulation And Agreed Order By And Among Financial Oversight And Management Board, Its Special Claims Committee, And Official Committee Of Unsecured Creditors Related To Joint Prosecution Of Debtor Causes Of Action, Case No. 17- BK-3283 (LTS), ECF No. 6505-1, which is referenced herein to the extent necessary and appropriate.

To the Honorable United States Magistrate Judge Judith G. Dein:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), acting by and through the members of the Special Claims Committee (the “SCC”), and the Official Committee of Unsecured Creditors of all Title III Debtors (except COFINA and PBA) (the “Committee,” and together with the SCC, “Movants”), hereby file this motion (the “Motion”), pursuant to section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”)<sup>1</sup> and Rules 7016, 2002, 9006, and 9019 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), all made applicable to these Title III cases by sections 301 and 310 of the Puerto Rico Oversight and Management, and Economic Stability Act (“PROMESA”), hereby submit this reply (“Reply”) to the *Partial Opposition To Omnibus Motion By The Financial Oversight And Management Board For Puerto Rico, Acting By And Through The Members Of The Special Claims Committee, And The Official Committee Of Unsecured Creditors To (I) Stay Litigation In The Vendor Avoidance Actions Or, Alternatively (II) Extend Litigation Deadlines In The Vendor Avoidance Actions* (the “Partial Objection”) [ECF No. 17874] filed by Postage by Phone Reserve Account (“Postage by Phone” or “Defendant”) to *Movants Omnibus Motion By The Financial Oversight And Management Board For Puerto Rico, Acting By And Through The Members Of The Special Claims Committee, And The Official Committee Of Unsecured Creditors To (I) Stay Litigation In The Vendor Avoidance Actions Or, Alternatively (II) Extend Litigation Deadlines In The Vendor Avoidance Actions* (the “Stay Motion”) [EFC No. 17717]. In support of this Reply, Movants respectfully state as follows:

### **ARGUMENT**<sup>2</sup>

1. The Limited Objection filed by Postage by Phone opposes Movants request to stay this action so that Postage by Phone may file a motion to dismiss the adversary proceeding on the grounds that this Court lacks personal jurisdiction over Postage by Phone and that service was improper. Notwithstanding Movants belief that this Court has personal jurisdiction over Postage by Phone, and that service in this case

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<sup>1</sup> 11 U.S.C. §§ 101 *et seq.*, as incorporated into these proceedings by PROMESA, defined above.

<sup>2</sup> Capitalized terms used herein shall have the meaning ascribed to them in the Stay Motion.

was proper, and that any motion to dismiss would lack merit, Movants will consent to removal of Postage by Phone from the relief requested in the Stay Motion.

2. Movants believe that removal of Postage by Phone from the relief requested in the Stay Motion obviates the need for a reply on the substance of the Limited Objection.

3. Additionally, as no other objection to the Stay Motion has been filed, Movants respectfully request that this Court enter an order approving the Stay Motion as to all other defendants notwithstanding the Limited Objection.

**WHEREFORE**, Movants respectfully request that this Court (i) enter an order substantially in the form of the proposed order attached to the Stay Motion as Exhibit A with respect to those defendants identified in the Supplemental Appendix attached hereto as Exhibit A, which Supplemental Appendix removes Postage by Phone, and (ii) set the following litigation briefing schedule for Postage by Phone: (a) Response Due Date – September 10, 2021, (b) Motion to Dismiss Response Date – October 29, 2021, and (c) Reply Deadline – December 3, 2021.<sup>1</sup>

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<sup>1</sup> A blackline of the Supplemental Appendix attached hereto as Exhibit A against the Supplemental Appendix included in the Stay Motion is attached hereto as Exhibit B.

Dated: August 20, 2021.

Respectfully submitted,

/s/ Sunni P. Beville

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COFINA) in Certain of the Avoidance Actions*

/s/ Carlos Infante

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and through its members*

/s/ Juan J. Casillas Ayala

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Creditors (other than COFINA and PBA)*

**EXHIBIT A**

**SUPPLEMENTAL APPENDIX**

**SUPPLEMENTAL APPENDIX**

<b>Defendant</b>	<b>Adversary Proceeding No.</b>
AMBASSADOR VETERANS SERVICES OF PR LLC	19-00048
APEX GENERAL CONTRACTORS	19-00062
BRISTOL /MYERS SQUIBB P R INC	19-00042
CARIBE GROLIER INC	19-00051
CCHPR HOSPITALITY, INC	19-00116
CENTRO DE DESARROLLO ACADEMICO INC.	19-00053
CITIBANK N A	19-00265
CLINICA DE TERAPIAS PEDIATRICA	19-00054
COMMUNITY CORNESTONE OF P R	19-00043
COMPUTER LEARNING CENTERS, INC.	19-00055
COMPUTER NETWORK SYSTEMS CORP	19-00150
Core Laboratories N.V. d/b/a Saybolt	19-00381
CREATIVE EDUCATIONAL & PSYCHOLOGICAL SER	19-00152
DIDACTICOS, INC.	19-00161
EDWIN CARDONA & ASOC	19-00056
ENTERPRISE SERVICES CARIBE LLC	19-00060
EVERTEC INC	19-00044
EXPLORA CENTRO ACADEMICO Y TERAPEUTICO	19-00143
FACSIMILE PAPER CONNECTION CORP	19-00092
FAST ENTERPRISES LLC	19-00266
FIRST HOSPITAL PANAMERICANO	19-00093
FP+1,LLC	19-00148
GF SOLUTIONS, INC.	19-00063
GILA LLC	19-00354
GIRARD MANUFACTURING INC DBA/BANCO DE	19-00103
GM SECURITY TECHNOLOGIES	19-00273
HEWLETT PACKARD PR BV	19-00183
HOSPIRA	19-00186
INTERNATIONAL SURVEILLANCE SERV CORP	19-00202
INTERVOICE COMMUNICATIONS OF PR INC	19-00068
JOSE SANTIAGO INC	19-00075
JUNIOR BUS LINE, INC.	19-00229
LAW OFFICES WOLF POPPER, INC	19-00236
MACAM S.E.	19-00255
MANAGEMENT, CONSULTANT & COMPUTER SERV	19-00081
MANPOWER	19-00088
MERCK SHARP & DOHME	19-00276
MICROSOFT CORPORATION	19-00290
N. HARRIS COMPUTER CORPORATION	19-00102
NATIONAL COPIER	19-00251

<b>Defendant</b>	<b>Adversary Proceeding No.</b>
NETWAVE EQUIPMENT CORP	19-00253
Professional Consulting Psychoeducational Services, LLC	19-00188
PROSPERO TIRE EXPORT INC	19-00196
PUERTO RICO SUPPLIES GROUP INC	19-00199
PUERTO RICO TELEPHONE COMPANY	19-00127
QUEST DIAGNOSTICS	19-00440
Ready & Responsible Security, Inc	19-00387
REYES CONTRACTOR GROUP	19-00220
ROCKET LEARNING INC	19-00232
ROCKET TEACHER TRAINING	19-00235
RODRIGUEZ PARISSI VAZQUEZ & CO PCS	19-00155
ROSSO GROUP INC	19-00239
S H V P MOTOR CORP	19-00134
SEGUROS COLON INC	19-00130
SESCO TECHNOLOGY SOLUTIONS LLC	19-00162
ST. JAMES SECURITY SERVICES, INC.	19-00145
TALLER DESARROLLO INFANTIL CHIQUIRIMUNDI	19-00049
Total Petroleum Puerto Rico Corp.	19-00114
TRUENORTH CORP	19-00160
XEROX CORPORATION	19-00218



**EXHIBIT B**

**SUPPLEMENTAL APPENDIX (BLACKLINE)**

**SUPPLEMENTAL APPENDIX**

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PUERTO RICO TELEPHONE COMPANY	19-00127
QUEST DIAGNOSTICS	19-00440
Ready & Responsible Security, Inc	19-00387
REYES CONTRACTOR GROUP	19-00220
ROCKET LEARNING INC	19-00232
ROCKET TEACHER TRAINING	19-00235
RODRIGUEZ PARISSI VAZQUEZ & CO PCS	19-00155
ROSSO GROUP INC	19-00239
S H V P MOTOR CORP	19-00134
SEGUROS COLON INC	19-00130
SESCO TECHNOLOGY SOLUTIONS LLC	19-00162
ST. JAMES SECURITY SERVICES, INC.	19-00145
TALLER DESARROLLO INFANTIL CHIQUIRIMUNDI	19-00049
Total Petroleum Puerto Rico Corp.	19-00114
TRUENORTH CORP	19-00160
XEROX CORPORATION	19-00218